

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE  
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

UNITED STATES OF AMERICA	)	
	)	CRIMINAL ACTION NO.
v.	)	2:25cr219-MHT
	)	(WO)
IVAN ARIAS-GARCIA	)	

OPINION AND ORDER

This cause is before the court on defendant Ivan Arias-Garcia's unopposed motion to continue trial. For the reasons set forth below, the court finds that the jury trial, now set for June 23, 2025, should be continued until August 11, 2025, pursuant to 18 U.S.C. § 3161(h)(7)(A).

While the granting of a continuance is left to the sound discretion of the trial judge, *see United States v. Stitzer*, 785 F.2d 1506, 1516 (11th Cir. 1986), the court is limited by the requirements of the Speedy Trial Act, 18 U.S.C. § 3161. The Act provides in part:

"In any case in which a plea of not guilty is entered, the trial of a defendant charged in an information or indictment with the commission of an

offense shall commence within seventy days from the filing date (and making public) of the information or indictment, or from the date the defendant has appeared before a judicial officer of the court in which such charge is pending, whichever date last occurs."

§ 3161(c)(1). The Act excludes from the 70-day period any continuance based on "findings that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial." § 3161(h)(7)(A). In granting a continuance under subsection (h)(7)(A), the court may consider, among other factors, whether the failure to grant the continuance "would be likely to ... result in a miscarriage of justice," § 3161(h)(7)(B)(i), or "would deny counsel for the defendant or the attorney for the Government the reasonable time necessary for effective preparation, taking into account the exercise of due diligence." § 3161(h)(7)(B)(iv).

The court concludes that, in this case, the ends of justice served by granting a continuance outweigh the interest of the public and Arias-Garcia in a speedy trial. Defense counsel asserts that she expects to resolve this matter through the Fast Track process. While she believes this matter will be resolved without a trial before June 23, 2025, defense counsel seeks a continuance to ensure that both parties can adequately prepare and discuss a resolution. The court finds that additional time is necessary to ensure that defense counsel can provide adequate representation to the defendant and attempt to reach a satisfactory resolution of the case. Also, the government does not oppose a continuance.

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Accordingly, it is ORDERED as follows:

(1) Defendant Ivan Arias-Garcia's unopposed motion to continue trial (Doc. 24) is granted.

(2) The jury selection and trial for defendant Arias-Garcia, now set for June 23, 2025, are continued to August 11, 2025, at 10:00 a.m., in Courtroom 2FMJ of the Frank M. Johnson Jr. United States Courthouse Complex, One Church Street, Montgomery, Alabama.

The United States Magistrate Judge shall reset the change-of-plea deadline and any other appropriate pretrial deadlines as necessary.

DONE, this the 6th day of June, 2025.

/s/ Myron H. Thompson  
UNITED STATES DISTRICT JUDGE